

Practitioner's Docket No.: 782_181

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Tomohiko SHIBATA, Keiichiro ASAI, and Mitsuhiro TANAKA

Ser. No.: 09/928,523

Group Art Unit: 1765

Filed: August 13, 2001

Examiner: Matthew J. Song

Confirmation No.: 8032

For: AN APPARATUS FOR FABRICATING A III-V NITRIDE FILM AND A METHOD
FOR FABRICATING THE SAME

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 6, 2004 under "EXPRESS MAIL" mailing label number EV 44336 7478 US.

Gina Husak

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicants hereby request continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under § 1.313 was filed (copy attached).
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
 - ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

REVIOUSLY SUBMITTED DOCUMENTS

3. Please Enter and Consider the following Previously Submitted Documents:

- ☐ Amendment filed _____.
- ☐ Brief on Appeal filed _____.
- ☐ Other:

ENCLOSURES

4. Enclosed herewith is/are:

- ☒ An Information Disclosure Statement and Form PTO-1449
- ☐ An Identification of Copending Application(s) and Form PTO-1449
- ☒ An Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

5. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$385.00
- ☒ Other than a small entity \$770.00
- Continued Prosecution Request Fee \$770.00

FEE FOR CLAIMS

6. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid	(5) No. of Extra Claims Present	(6) Rate	(7) Additional Fee
TOTAL CLAIMS	4	MINUS	20	0	0	0
INDEP. CLAIMS	1	MINUS	3	0	0	0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						0

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$.

EXTENSION OF TIME

7. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (Months)		Fee for other than small entity	Fee for small entity
	One Month	\$ 110.00	\$ 55.00
	Two Months	\$ 420.00	\$ 210.00
	Three Months	\$ 950.00	\$ 475.00
	Four Months	\$1,480.00	\$ 740.00

Extension Fee

\$ 00.00

If an additional extension of time is required, please consider this a petition therefor.

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) ☒ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

8. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$770.00
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$

Total Fee(s) Due: \$770.00

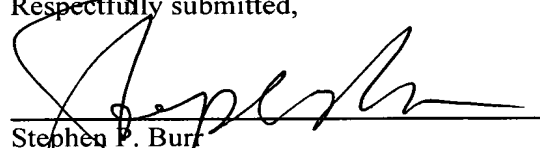
PAYMENT OF FEE(S) DUE

9. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$
- ☐ Charge Deposit Account No. 50-1446 the sum of \$ 770.00
- ☒ Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Deposit Account No. 50-1446.

April 6, 2004
Date

Respectfully submitted,

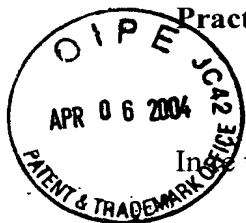


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PATENT

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AMENDMENT*

Sir:

In response to the Final Office Action mailed January 6, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

* An RCE is filed herewith.